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Russia: Domestic violence; recourse and protection available to victims of domestic violence; support services and availability of shelters (2007 - 2009)

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Sources indicate that domestic violence in Russia is a serious concern (US 25 Feb. 2009, Sec. 5; Freedom House 2009; AI 2009; Interfax 8 Mar. 2008; NPR 17 July 2008). According to the Open Society Institute's (OSI) Violence against Women Monitoring Program and the United States (US) Department of State's *Country Reports on Human Rights Practices for 2008*, the Russian government does not compile official statistics on incidents of domestic violence (OSI 2007, Sec. 10.1; US 25 Feb. 2009, Sec. 5). However, estimates range from 12,000 women (US 25 Feb. 2009, Sec. 5) to 14,000 women killed annually in Russia as a result of domestic violence (NPR 17 July 2009; ABC 28 Mar. 2008). *Country Reports 2008* indicates that authorities claim there are approximately 250,000 violent crimes committed against women annually (US 25 Feb. 2009, Sec. 5); however, many cases of domestic violence are not reported to authorities, making it difficult to ascertain concrete figures (ibid.; NPR 17 July 2008).

Legislation

Domestic violence is not recognized as a separate crime in Russia (OSI 2007, Sec. 2.2.1; NPR 17 July 2008; AI 2009) and there is reportedly no legal definition of domestic violence in the Russian criminal code (US 25 Feb. 2009, Sec. 5; OSI 2007, Sec. 2.2.1). A non-governmental organization (NGO) and academic sources indicate that the Russian government has not initiated any new legislation in the past few years to help combat domestic violence (ANNA Center 20 Nov. 2009; Associate Professor 19 Nov. 2009; Post Doctoral Researcher 17 Nov. 2009). As well, sources note that the Russian legal system does not provide for restraining, protection or barring orders (OSI 2007, Sec. 2.1; NPR 17 July 2008; ABA CEELI Feb. 2006, 90).

Acts of domestic violence can be prosecuted under some of the following articles of the Criminal Code: Article 112 "Intentional Infliction of Injury of Average Gravity Health"; Article 115 "Intentional Infliction of Light Injury"; Article 116 "Battery"; Article 117 "Torture"; Article 118 "Infliction of Grave Injury or Injury of Average Gravity by Negligence"; or Article 119 "Threat of Murder or Infliction of Grave Injury to Health" (Russia 13 June 1996; OSI 2007, Sec. 2.2.1). Battery is punished with a fine, compulsory work, corrective labour or imprisonment for up to three months (Russia 13 June 1996, Art. 116).

Sources indicate that "most acts" of domestic violence do not fall within the jurisdiction of the prosecutor's office; victims must prosecute these cases privately (ABA CEELI Feb. 2006, 89; US 25 Feb. 2009, Sec. 5; Associate Professor 19 Nov. 2009). According to Article 20 of Russia's Criminal Procedural Code, Article 115 ["Intentional Infliction of Light Injury"] and Article 116 ["Battery"]:

are seen as criminal cases of private prosecution, are initiated only upon application from the victim or from his legal representative, and are subject to termination in connection with the reconciliation of the victim with the accused. Reconciliation is seen as admissible until the court departs to the retiring room for passing the sentence. (Russia 18 Dec. 2001)

The OSI indicates that free legal aid is not available to victims of domestic violence, although some NGOs provide some legal assistance (OSI 2007, Sec. 2.5). In correspondence with the Research Directorate on 19 November 2009, an Associate Professor of Political Science at Brooklyn College, City University of New York, who has extensively researched gender violence in Russia, similarly stated that victims of domestic violence often must hire their own lawyers to prosecute these "private" cases of assault and that Russia does not have a system of "pro bono advocacy."

According to the American Bar Association (ABA) Central European and Eurasian Law Initiative (CEELI),

Russian family law does not contain any provisions for divorce cases in which one spouse is abusive, for determining such issues as child custody or visitation rights (ABA CEELI Feb. 2006, 91). Two scholars corroborate that many women must continue to live with their abusive husband or ex-husband because of a lack of other options (Associate Professor 19 Nov. 2009; Post Doctoral Researcher 17 Nov. 2009). In an example provided by National Public Radio (NPR), a woman whose husband tried to kill her had to continue living in the same apartment with him after the divorce, because she could not afford to move (NPR 17 July 2008).

State Protection

Russia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol (OSI, Sec. 1.3).

According to information that the Russian government submitted to the United Nations (UN) Secretary-General's database on violence against women, there is a separate section on the issue of violence in Russia's National Strategy on Equal Rights and Equal Opportunities for Men and Women in the Russian Federation, which was approved in September 2006; details on the plan were not provided (UN 24 July 2009e). Further information in the database indicates that in 2008, the government initiated training to 150 teachers on violence prevention, supplied instructional materials to police, and updated the curriculum of academic disciplines taught at the Ministry of the Interior's educational institutions, such as criminology, criminal law and family law, to include the topic of violence (UN 24 July 2009c). The government also indicates that they have provided training to staff at women's health clinics and other clinics to increase awareness of violence and human trafficking, but did not provide details about the training (UN 24 July 2009d).

The OSI reports that, according to the chief consultant of the Department of Social Policy, Family and Women, Ministry of Health Care and Social Development of the Russian Federation, there is no specialized budget in the federal government or in the budget of law enforcement authorities to combat violence against women (OSI 2007, Sec. 1.4). According to the President of the Consortium of Women's NGOs of Russia, as reported by OSI, state authorities sometimes provide grants to NGOs when working in cooperation with government authorities on joint projects to combat violence against women, but there is no yearly budget set aside for this purpose (ibid., Sec. 1.4).

Police

The OSI and ABA CEELI indicate that the police are required to investigate all reported cases of domestic violence (ABA CEELI Feb. 2006, 89; OSI 2007, Sec. 2.2.2). The Director of the NGO ANNA, the National Centre for the Prevention of Violence in Russia, reportedly stated that injuries must be medium or severe before police can intervene; a "medium" injury is defined as preventing someone from working for two weeks (NPR 17 July 2008). Police refer victims of domestic violence to a forensic expert who examines the injury to determine the extent of bodily harm and issues a statement to the victims which can be used as evidence in court (OSI 2007, Sec. 2.2.2; ABA CEELI Feb. 2006, 89). However, the OSI also states that it is usually the victim who files the complaint against her abusive partner to the justice of the peace; the victim is then responsible for collecting evidence and inviting witnesses (ibid.).

Sources indicate that police officers in Russia are often reluctant to help victims of domestic violence (Freedom House 2009; Associate Professor 19 Nov. 2009; US 25 Feb. 2009, Sec. 5). According to one academic, the police "systematically ignore calls and written statements of domestic violence" (Associate Professor 19 Nov. 2009). In an example of a domestic violence case reported by NPR, the police initially refused to investigate the victim's claims and did not start criminal proceedings against her husband until six months later (17 July 2008). The article reports that when the victim's husband was convicted of attempted murder, he was sentenced to one year probation (NPR 17 July 2008). According to *Country Reports 2008* few cases of domestic violence were prosecuted and there were few convictions in 2008 (US 25 Feb. 2009, Sec. 5). This information could not be corroborated by sources consulted by the Research Directorate within the time constraints of this Response.

The OSI reported in 2007 that there were no special units in law enforcement agencies which dealt with domestic violence in a "legally required, systematic, and organized way," although some regions, such as Karelia, have developed pilot initiatives (OSI 2007, Sec. 4). In a telephone interview with the Research Directorate on 17 November 2009, a Post Doctoral Researcher in the Political Science Department of the University of Tromsø, Norway, who has conducted field research about crisis centres in northwest Russia, stated that police in Murmansk and the Republic of Karelia have recently formed units to address domestic violence.

Support Services

According to information that the Russian government submitted to the UN, in 2008 there were 21 crisis centres operating under the jurisdiction of social welfare agencies, 119 crisis units for women within social

service institutions and 22 "hostels for women with minor children" (UN 24 July 2009a; see also UN 9 Mar. 2009). These institutions reportedly provide "psychological, legal, medical, educational and social services to women and children who find themselves in difficult situations or who have been subjected to violence" (UN 24 July 2009a). According to the UN database, the centres help 50,000 women and 20,000 children annually (ibid.). In addition, the database indicates that in 2008 there were 50 crisis centres for women that were established by women's NGOs (ibid.). The Russian government reports that in 2008 there were 485 hotlines that provided emergency psychological assistance to victims of domestic violence (UN 24 July 2009b).

Several sources, however, report a lack of shelter facilities for victims of domestic violence in Russia (OSI 2007, Sec. 3.5; Post Doctoral Researcher 17 Nov. 2009; Johnson 2009; ABC 28 Mar. 2008). The Director of ANNA Center reportedly stated in 2008 to the Australian Broadcasting Corporation (ABC) that, by European Council standards, Russia should have 15,000 shelters, but had only 22 shelters (ABC 28 Mar. 2008). Furthermore, NGO and academic sources indicate that state-sponsored shelters are accessible only to women who are officially registered in the city or town where the shelter is located (OSI 2007, Sec. 5.1; Associate Professor 19 Nov. 2009; ABA CEELI Feb. 2006, 103; ANNA Center 20 Nov. 2009). Shelters which are managed by NGOs typically do not require official residence registration, but are also less common (Associate Professor 19 Nov. 2009; Post Doctoral Researcher 17 Nov. 2009). Some shelters have additional requirements which may make them more difficult to access in emergency situations (ABA CEELI Feb. 2006, 104; OSI 2007, Sec. 5.1), such as the need to provide medical documents (ibid.) or obtain a referral from another state agency (ABA CEELI Feb. 2006, 104). Many of the shelters limit the length of stay to between one and three months (Johnson 19 Nov. 2009; OSI 2007, Sec. 5.1).

The Associate Professor provided the Research Directorate with a list of 11 shelters (10 state-sponsored and 1 NGO) for victims of domestic violence in Russia. In correspondence with the Research Directorate on 20 November 2009, the Director of the ANNA Center provided a list of 15 shelters (1 NGO and the others unspecified) for victims of domestic violence throughout Russia. Both sources identified shelters in the following cities: Pskov (NGO) (10 beds); Petrozavodsk, Karelia (10 beds); Sortavala, Karelia (5 beds); Saratov (30 beds); and Izhevsk (18 or 24 beds) (ANNA 20 Nov. 2009; Associate Professor 19 Nov. 2009). In addition, the Associate Professor indicated that there are state-sponsored shelters in the following cities: Polyarnye Zori (2 beds); Syktyvkar (10 beds); Blagovsechensk (6 beds); and three shelters in St. Petersburg (ranging from 6 to 17 beds). The Director of ANNA Center provided the names of shelters in the following cities: Klin, Moscow Region (5 beds); Moscow (35 beds); Khimki, Moscow Region (5 beds); Stupino, Moscow Region (2 beds); Dmitrov, Moscow Region (11 beds); Arzamas, Nizhni Novgorod Region (8 beds); Bogdanovich, Sverdlovsk Region (15 beds); Bol'shaya Lipovitsa, Tambov Region (30 beds); Pionerskiy, Kaliningrad Region (20 beds); Samara (details on spaces not available) (ANNA Center 20 Nov. 2009). According to the Post Doctoral Researcher, an NGO operates a shelter for victims of domestic violence in Murmansk (17 Nov. 2009).

Although several sources report that Moscow does not have a shelter for victims of domestic violence (OSI 2007, Sec. 5.1; NPR 17 July 2008; ABC 28 Mar. 2008), the Director of the ANNA Center indicates that Moscow has a state-run shelter which is operated by the day and night department for women with children in crisis life situations; it accommodates up to 35 people and requires residence registration in Moscow (ANNA Center 20 Nov. 2009). The Associate Professor noted that there is a shelter in the Moscow suburb of Khimki, but that it is accessible only to victims who are registered in Khimki (19 Nov. 2009).

Sources indicate that there are several crisis centres operated by NGOs which provide counselling, advice and legal assistance to victims of domestic violence, but that they face difficulties securing financing (OSI 2007, Sec. 3.5; Johnson 2009, 11; Post Doctoral Researcher 17 Nov. 2009). According to the OSI, 18 NGOs which worked in the field of violence against women were closed in 2005 because of a lack of funding and government support (OSI 2007, Sec. 3.5). In addition, an academic source reports that three NGOs closed their shelters in 2007 and 2008 because of insufficient funding (Johnson 2009, 12).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to reach representatives of the Ekaterina Women's Crisis Center, Yekaterinburg, the Psychological Crisis Center for Women, St. Petersburg, the Centre for Women, Family and Gender Studies, Moscow, and the Syostri Sexual Assault Recovery Center were unsuccessful within the time constraints of this Response.

Internet sites, including: European Country of Origin Network (ecoi.net), Human Rights Watch (HRW), International Crisis Group, International Helsinki Federation for Human Rights, Memorial, Moscow Helsinki Group, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) Refworld, PeaceWomen Project, Radio Free Europe/Radio Liberty (RFE/RL), Social Institutions and Gender Index (SIGI), *St. Petersburg Times*, Stop Violence Against Women (stopvaw.org), Transitions Online, U.S. Committee for Refugees and Immigrants (USCRI).

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